

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2009-\_\_\_\_-C**

IN RE:	)	
Petition of the Office of Regulatory Staff	)	
for Commission to Order a Rule To Show	)	PETITION OF THE OFFICE OF
Cause as to Why the Certificates of	)	REGULATORY STAFF FOR A
Public Convenience and Necessity for	)	RULE TO SHOW CAUSE
Certain Providers of Telecommunications	)	
Services Should Not Be Revoked	)	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission that:

1. The Public Service Commission of South Carolina (“the Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. §58-9-10 et seq. (Supp. 2008).

2. The Office of Regulatory Staff (“ORS”) is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. (Supp. 2008).

3. The Telecommunications Companies (“Companies”) listed in Exhibit A are certificated “telephone utilities” as defined in S.C. Code Ann. §58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.

4. The Companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-9-710 et seq. (Supp. 2008). Further, they have submitted themselves to the jurisdiction of the Commission by their holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A.

5. Pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540; 58-4-60; and 58-9-370 (Supp. 2008), the public utilities subject to the Commission's jurisdiction are assessed by the Department of Revenue based on amounts that are certified by the Commission, the review committee, and ORS to be assessed. ORS may require reports and special reports concerning any matter about which the ORS is authorized to inquire or keep itself informed or which it is required to enforce.

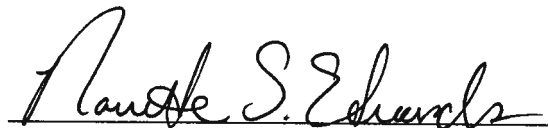
6. The Companies listed in Exhibit A have failed to submit the requisite gross receipts filings. ORS has made attempts to contact these companies to obtain the gross receipts forms.

7. The information for the business entities listed in Exhibit A accurately reflects the information on file with the South Carolina Secretary of State. See Exhibit B, Affidavit of Dawn Hipp.

8. In an effort to minimize cost and to move expeditiously, ORS requests a hearing date of May 13, 2009, and attaches to this Petition its pre-filed direct testimony as Exhibit C. Companies identified in Exhibit A have more than thirty days from the date of the filing of this Petition to come into compliance.

**WHEREFORE**, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibit A.
2. For the persons and business entities listed in Exhibit A, pursuant to 26 S.C. Code Regs. 103-830, cause a copy of this petition to be served upon such named respondents or other proper person or entity.
3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission's rules and regulations.
4. Schedule and conduct a formal administrative hearing on May 13, 2009.
5. Find that the Companies listed in Exhibit A have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.
6. Enter a final order canceling the Certificates held by the Companies listed in Exhibit A.
7. Take other appropriate action which the Commission may deem necessary.



Nanette S. Edwards, Esquire  
**Office of Regulatory Staff**  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
803-737-0575

March 30, 2009  
Columbia, South Carolina

## Exhibit A

Docket No. \_\_\_\_\_

## Rule to Show Cause Telecommunications Carriers Non-Compliant with Gross Receipts Filing 2008

No.	Name	Address	City	State	Zip	Date Certified	Docket Number	Order Number	Secretary of State Standing
1	Bellerud Communications, LLC	2023 Sam Houston Avenue #2	Huntsville	TX	77340	10/24/2000	2000-318-C	2000-658	Good Standing
2	McLeod USA Telecommunication Services, Inc.	One Marthas Way	Hiawatha	IA	52233-2402	11/4/1997	1997-207-C	1997-944	Good Standing
3	Momentum Telecom, Inc.	2700 Corporate Drive, Ste 200	Birmingham	AL	35242	12/5/2001	2001-359-C	2001-1092	Good Standing
4	Navacore, LLC	420 North Dave Lyle Blvd.	Rock Hill	SC	29730	8/4/2006	2006-111-C	2006-468	Good Standing
5	OneTone Telecom, Inc.	100 Century Plaza, Ste 9-I	Seneca	SC	29672	7/8/1999	1999-132-C	1999-485	Good Standing
6	Startec Global Licensing Company	PO Drawer 200	Winter Park	FL	32790-0200	7/28/1998	1998-45-C	1998-576	Forfeiture
7	Telmex USA, LLC	1130 University Blvd, Ste B9, #253	Tuscaloosa	AL	35401-0328	7/26/2006	2005-365-C	2006-435	Good Standing
8	Telrite Corporation	PO Box 2207	Covington	GA	30015	9/29/2004	2003-278-C	2004-426	Good Standing
9	U.S. South Communications, Inc.	250 Williams Street, Ste M100	Atlanta	GA	30303	4/25/1996	1996-77-C	1996-302	Good Standing
10	Working Assets Funding Service, Inc.	101 Market Street, Suite 700	San Francisco	CA	94105	4/8/1994	1993-667-C	1994-321	Good Standing

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**DOCKET NO. 2009-\_\_-C**

March 30, 2009

IN RE: Petition of the Office of Regulatory	)	
Staff for Commission to Order a	)	
Rule to Show Cause as to Why The	)	
Certificates of Public Convenience	)	AFFIDAVIT OF
and Necessity for Certain Providers	)	DAWN M. HIPPI
of Telecommunications Services	)	
Should Not be Revoked	)	


The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Dawn Hipp and I am employed by the Office of Regulatory Staff ("ORS") as the Director of Telecommunications, Transportation, Water and Wastewater.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) It is the regular business practice of ORS to maintain certain business records required to be filed by telecommunication carriers that are subject to the jurisdiction of the PSC.
- 4) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 5) On March 30, 2009, I examined the business records on file with ORS.
- 6) As a result of that examination, I attest that the Gross Receipts Form has not been filed with ORS by the following telecommunications carriers as of March 30, 2009: (Exhibit A)


**EXHIBIT B**

- 7) I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A of this petition. I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.

  
**DAWN M. HIPPI**  
**Director**  
**Office of Regulatory Staff**  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201

Sworn and subscribed before me  
this 30<sup>th</sup> day of May, 2009

  
Notary Public for South Carolina  
My Commission Expires: 9/22/2014

**TESTIMONY OF DAWN M. HIPPI****FOR****THE OFFICE OF REGULATORY STAFF****DOCKET NO. 2009- -C****IN RE: PETITION FOR A RULE TO SHOW CAUSE AS TO WHY THE  
CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR  
CERTAIN PROVIDERS OF TELECOMMUNICATIONS SERVICE SHOULD  
NOT BE REVOKED**

**Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND  
OCCUPATION.**

**A.** My name is Dawn M. Hipp. My business address is 1401 Main Street, Suite 900, Columbia, South Carolina 29201. I am employed by the state of South Carolina as the Director of the Telecommunications, Transportation, Water and Wastewater Department for the Office of Regulatory Staff ("ORS").

**Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS  
PROCEEDING?**

**A.** The purpose of my testimony is to present evidence that certain telecommunications carriers subject to this Commission's jurisdiction have failed to file the 2008 Gross Receipts Form with the ORS.

**Q. ARE TELECOMMUNICATIONS CARRIERS REQUIRED TO FILE THE  
GROSS RECEIPTS FORM?**

**A.** Yes. Pursuant to S.C. Code Ann. § 58-3-100, 58-3-540, 58-4-60 and 58-9-370 (Supp. 2008), telecommunications carriers under the jurisdiction of the Commission are assessed annually by the Department of Revenue. The

1 assessment is based on the revenue reported and then submitted by each  
2 telecommunications carrier on the Gross Receipts Form.

3 **Q. DO YOU SUPERVISE THE PREPARATION AND MAILING OF THE**  
4 **GROSS RECEIPTS FORMS?**

5 A. Yes. As part of my job duties, I review the annual Gross Receipts Forms mailing  
6 and monitor company compliance. Gross Receipts Forms were due from  
7 telecommunications carriers on August 31, 2008. In December, ORS contacted  
8 each delinquent telephone company via telephone to remind them of their  
9 obligation to return the Gross Receipts Form.

10 **Q. PLEASE EXPLAIN EXHIBIT A ATTACHED TO YOUR TESTIMONY.**

11 A. Exhibit A identifies those telecommunication carriers that failed to file the  
12 required Gross Receipts Form at the time this testimony was prepared.

13 **Q. WHAT ACTION DOES THE ORS RECOMMEND THAT THE**  
14 **COMMISSION TAKE?**

15 A. The ORS recommends that the Commission revoke the Certificates of Public  
16 Convenience and Necessity for those telecommunication carriers that have not  
17 complied with the Gross Receipt Form requirements as of the hearing date.

18 **Q. DOES THAT CONCLUDE YOUR TESTIMONY?**

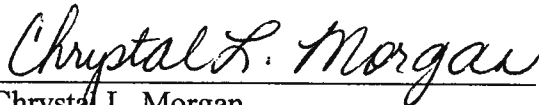
19 A. Yes it does.

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2009-\_\_\_\_-C**

IN RE:	)	
Petition of the Office of Regulatory Staff	)	<b>CERTIFICATE OF</b>
for Commission to Order a Rule To Show	)	<b>SERVICE</b>
Cause as to Why the Certificates of	)	
Public Convenience and Necessity for	)	
Certain Providers of Telecommunications	)	
Services Should Not Be Revoked	)	

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION FOR RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Bellerud Communications, LLC 2023 Sam Houston Avenue #2 Huntsville, TX 77340	McLeod USA Telecommunication Services, Inc. One Marthas Way Hiawatha, IA 52233-2402
Momentum Telecom, Inc. 2700 Corporate Drive, Ste 200 Birmingham, AL 35242	Navacore, LLC 420 North Dave Lyle Blvd. Rock Hill, SC 29730
OneTone Telecom, Inc. 100 Century Plaza, Ste 9-I Seneca, SC 29672	Startec Global Licensing Company PO Drawer 200 Winter Park, FL 32790-0200
Telmex USA, LLC 1130 University Blvd, Ste B9, #253 Tuscaloosa, AL 35401-0328	Telrite Corporation PO Box 2207 Covington, GA 30015
U.S. South Communications, Inc. 250 Williams Street, Ste M100 Atlanta, GA 30303	Working Assets Funding Service, Inc. 101 Market Street, Suite 700 San Francisco, CA 94105

  
Chrystal L. Morgan

March 30, 2009  
Columbia, South Carolina